

REMARKS

Claims 1-50 are pending in the current application. In an Office Action dated September 15, 2006, the Examiner rejected claims 19-20 and 10-11 under 35 U.S.C. § 112, second paragraph, rejected claims 1, 3-4, 6-7, 9, 12-14, 16-21, 24-25, 27-31, 33, 34, 37, 39-42, and 44-50 under 35 U.S.C. § 102(b) as being anticipated by Nikander, U.S. Patent No. 6,029,151 ("Nikander "), and rejected claims 2, 5, 8, 10, 11, 15, 22, 23, 26, 32, 36, 38-39, and 43 under 35 U.S.C. § 103(a) as being unpatentable over Nikander. Applicants' representative respectfully traverses all of the above-listed rejections.

35 U.S.C. § 112, Second Paragraph, Rejections

Applicants' representative cannot understand the Examiner's stated rejection of claims 19 and 20. The Examiner states: "They respectively recite elements of a computer readable medium and system in conjunction with preceding method claims. The nature of the claims is as to whether they are apparatus or process claims." This statement does not state a rejection, but instead comprises a first declarative sentence concerning the subject matter of claims 19 and 20, and a second sentence that does not state a rejection. Claim 19 claims a computer readable medium containing computer instructions that encode the method of claims 1-18, and is a perfectly valid claim according to the USPTO's Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility. Claim 20 unambiguously, clearly, and distinctly claims a computer system. Applicants' representative knows of no statute or holding that would suggest that either of claims 19 and 20 is improper or indefinite.

Applicants' representative respectfully disagrees with the Examiner that "[o]ne of ordinary skill in the art would not know what constitutes a 'remote' account," as alleged by the Examiner in rejecting claims 10 and 11. The phrase "remote account" occurs in on line 15 of page 18 of the current application, and in step 804 of Figure 8. Both occurrences are directly related to subject matter discussing accessing of remote accounts. In addition, on page 8, line 26 to page 9, line 2, the current application discusses local and remote accounts databases, as follows:

The funding manager server 48 has access to a user accounts database 50 for storing user account information. The user accounts database 50 may be a locally stored and managed database, or alternatively, may include remote data management. Additionally, the user accounts database 50 may also be managed by third parties that may specialize in account and user funds management.

In view of this discussion, and in view of the extremely well-known meaning of the terms "remote" and "local" in computer science, computer programming, and systems engineering, Applicants' representative cannot find any basis for a 35 U.S.C. § 112, second paragraph, rejection of claims 10-11.

35 U.S.C. § 102(b) Rejections

Claim 1 of the current application is provided, below, as exemplary of claims 1-50:

1. A method for facilitating the processing of a transaction including the transfer of value between a first and a second user, said second user associated with a telephonic identifier, comprising:

obtaining a request from said first user to transfer a quantity of value to said second user, wherein said request includes said telephonic identifier associated with said second user;

accessing an account corresponding to said first user; and

transferring said quantity of value from said account corresponding to said first user to an account corresponding to said telephonic identifier associated with said second user.

As clearly stated in claim 1, claim 1 is directed to a method by which value is transferred between two users. The first user requests transfer of a quantity of value to the second user, identifying the second user by a telephone number. The first user's account is accessed, and funds are transferred from that account to an account belonging to the second user.

Applicants' representative can find no teaching, mention, or suggestion in Nikander of such a method or system. First, as clearly stated in the Summary of the Invention section of Nikander, and as shown in the many figures included in Nikander, Nikander discloses a method by which an Internet Service Provider ("ISP") (see Abstract, line 4 and Summary of the Invention, line 53 of column 2) intercepts a payment request

directed by a merchant (column 2, lines 22-24) to a user through the Internet. The merchant identifies the user by an Internet-Protocol address, not by a telephone number. Applicants' representative can find no teaching or suggestion that the payment request includes a telephone number, or that the user is identified by a telephone number. It is presumably the responsibility of the ISP, and not the merchant, to translate an IP address to a telephone number, and that translation occurs within the ISP in order to forward an Internet communication through the telephone network to a user's computer. The merchant is not taught or suggested by Nikander as identifying the user by a telephone number. Second, Nikander's method involves the ISP sending electronic payment to the merchant, rather than transferring value from the user's account. In Nikander, the ISP adds charges to the user's telephone bill, rather than transferring value from a user's account. Third, the electronic payment is sent by the ISP to the merchant, and is not transferred to the merchant's account, according to Nikander's Summary of the Invention, cited by the Examiner.

The rather large differences between the currently claimed embodiments of the present invention and Nikander are related to the fact that Nikander desires to facilitate electronic payment by having ISPs send electronic payment to merchants and charge user's phone bills, while, by contrast, the currently disclosed methods and systems are directed to a third-party transfer service that serves as an intermediary between telephone users, carrier services, and financial institutions. In the current application, the funding manager server (48 in Figure 2) is stated to have access to users' accounts in financial institutions (52 in Figure 2) to enable the funding manager server to directly access users' accounts, and is connected to carrier services (46A-C in Figure 2) to enable the funding manager server to transfer funds from one account to another account in response to telephonic requests. By contrast, Nikander's disclosed method is carried out by an ISP, and Applicants' representative can find no mention in Nikander that the ISP has access to any accounts, either user telephone accounts or user accounts in financial institutions. Instead, Nikander's ISP sends electronic money, presumably from an ISP account, and charges a user's telephone account for services rendered, presumably by the same carrier-interface that allows the ISP to charge for other services.

Independent claims 21 and 31 of the current application contain language similar to that contained in claim 1, and are not anticipated by Nikander for the same reasons that claim 1 is not anticipated by Nikander. None of the dependent claims are anticipated by Nikander, since the independent claims 1, 21, and 31, from which they depend, are not anticipated by Nikander.

35 U.S.C. § 103(a) Rejections

There is no obvious modification of Nikander's disclosed system that would produce the currently claimed system and method. Nikander is directed to intercepting, by an ISP, merchant payment requests sent via the Internet to customers, sending of electronic payments by the ISP to merchants on behalf of ISP clients, and charging users' telephone bills for services provided. By contrast, the currently claimed invention is directed to a method by which telephones users can exchange value by transferring value directly from a first user's account to a second user's account via telephone communications. Applicants' representative can find no mention or suggestion in Nikander of a funds management server that would transfer funds between telephone users' accounts. Nikander, by contrast, is concerned with communications between users' computers and merchants' computers, and Nikander does not access users' accounts.

In Applicant's representative's opinion, all of the claims remaining in the current application are clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

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